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16				
17	UNITED STATES	S DISTRICT COURT		
18	NORTHERN DISTRICT OF CALIFORNIA			
19				
20	DEMETRIOT K. LEWIS, individually and on behalf of others similarly situated,	Case No. CV-11-5512-CRB		
21	Plaintiff,	STIPULATION RE EXTENSION OF MOTION HEARING CUTOFF DATES AND		
22	VS.	ORDER THEREON		
23	SAFELITE FULFILLMENT INC.; and			
	DOES 1 through 10.			
24	Defendants.			
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Additional Counsel 1 Alexander I. Dychter (SBN 234526) 2 alex@dychterlaw.com **Dychter Law Offices, APC** 3 1010 Second Ave., Suite 1835 San Diego, California 92101 4 Tel: (619) 487-0777 Fax: (619) 330-1827 5 Attorneys for Plaintiff 6 DEMETRIOT K. LEWIS 7 Andrew C. Smith Ohio Registration No. 0008136 Robert A. Harris, Ohio Registration No. 0059549 8 Daniel J. Clark, Ohio Registration No. 0075125 VORYS, SATER, SEYMOUR & PEASE LLP 9 52 East Gay Street Columbus, OH 43215 10 Telephone: (614) 464-6400 Facsimile: (614) 464-6350 11 E-mail: acsmith@vorys.com 12 raharris@vorys.com diclark@vorvs.com 13 Admitted Pro Hac Vice 14 Attorneys for Defendant 15 SAFELITE FULFILLMENT, INC. 16 17 Plaintiff Demetriot K. Lewis ("Plaintiff"), and defendant Safelite Fulfillment, Inc. 18 ("Defendant"), by and through their counsel of record, hereby enter into the following 19 Stipulation re Extension of Motion Cutoff Date and mutually request the Court to enter an 20 order in accordance therewith. 21 **STIPULATION** 22 1. Plaintiff initiated this action on November 14, 2011. In his complaint, Plaintiff 23 asserts claims against Defendant for unpaid overtime wages under the Fair Labor Standards 24 Act, which Plaintiff seeks to pursue as a collective action under 29 U.S.C. Section 216, and 25 various wage and hour claims against Defendant under California law, which Plaintiff seeks 26 to pursue as a class action pursuant to Rule 23 of the Federal Rules of Civil Procedure. 27 28

2. At a case management conference on July 20, 2012, the Court set the following deadlines:

Motion to Certify Rule 23 Class and Dispositive Motions

April 30, 2013

Motion for Decertification if an FLSA Class is Conditionally Certified

June 30, 2013

Discovery Cut-off

June 30, 2013

- 3. The parties have exchanged written discovery. Among other things, Defendant provided Plaintiff with the names and addresses of putative class members in California and produced nearly a thousand pages of documents. To date, neither party has yet taken any depositions.
- 4. Due to the volume of documents, the number of putative class members, and scheduling issues, it has taken Plaintiff longer than previously anticipated to complete his investigation and discovery.
- 5. In light of the foregoing, Plaintiff requests that the cut-off dates listed above for the Motion to Certify the Rule 23 Class and Dispositive Motions be extended by 60 days to July 2, 2013. Defendant has no objection to Plaintiff's request for this extension.
- 6. Plaintiff intends to file his Motion for Conditional Certification of the nationwide FLSA collective action at the same time he files his Motion for Certification of his state law class action pursuant to Rule 23. Should the Court order conditional certification of the nationwide FLSA class, the parties will then have to prepare the opt-in notice, submit that notice to the Court for approval, and then send the Court-approved notice to the potential nationwide class members; conduct additional discovery based on those who opt in to participate in the collective action; and then prepare a decertification motion for filing 35 days before the scheduled hearing date. Defendant respectfully suggests that the current deadline providing only 60 days from the date of the hearing on the Motion for Certification until the hearing on the Motion for Conditional Certification provides insufficient time for all of this to occur. Defendant thus requests that the hearing date for the motion for decertification be extended by an additional 60 days. Plaintiff has no objection to this request.

1	8. The extensions requested herein will not result in any prejudice or undue delay.		
2	The Court has not yet scheduled a trial date.		
3	9. For the foregoing reasons, the parties mutually request that the Court revise and		ly request that the Court revise and
4	extend the existing case schedule as follows:		
5			
6		Deadline for filing Rule 23 Motion for	
7		Certification, Motion for Conditional Certification of FLSA Collective Action,	
8		and Dispositive Motions:	May 16
9		Deadline for Filing Opposition to	
10		Rule 23, FLSA Conditional Certification, and Dispositive Motions:	June 6
11		Deadline for filing Reply in support of	
12		Rule 23, FLSA Conditional Certification,	
13		and Dispositive Motions:	June 17
14		Hearing on Rule 23, FLSA Conditional Certificand Dispositive Motions:	cation, July 2
15		-	July 2
16		Hearing on Motion for Decertification if FLSA Conditional Certification is granted:	120 days from Order
17			granting Conditional Certification
18			Certification
19		Discovery Cut-off, if both Rule 23 and FLSA Conditional Certification are denied:	30 days from last Order
20			denying Rule 23 and FLSA Conditional
21			Certification motions
22		Discovery Cut-off, if either Rule 23 or	
23		FLSA Conditional Certification is granted:	120 days from last Order granting Rule 23 and/or
24			FLSA Conditional Certification motions
25			Certification motions
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2		Respectfully submitted,
3	Dated: February 19, 2013	KARASIK LAW FIRM DYCHTER LAW OFFICES, APC
4		By /Gregory N. Karasik
5		Gregory N. Karasik Attorneys for Plaintiff
6 7		DEMETRIOT K. LEWIS
8	Dated: February 19, 2013	CAROTHERS, DISANTE & FREUDENBERGER LLP
9		By: /Kent J. Sprinkle
10		Kent J. Sprinkle Attorneys for Defendant
11		SAFELITE FULFILLMENT, INC.
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ORDER 1 2 Good cause having been shown, it is hereby ordered that the case schedule previously set 3 by the Court is modified as follows: 4 Deadline for filing Rule 23 Motion for 5 Certification, Motion for Conditional Certification of FLSA Collective Action, 6 and Dispositive Motions: May 16 7 Deadline for Filing Opposition to Rule 23, FLSA Conditional Certification, 8 and Dispositive Motions: June 6 9 Deadline for filing Reply in support of 10 Rule 23, FLSA Conditional Certification, and Dispositive Motions: June 17 11 Hearing on Rule 23, FLSA Conditional Certification, 12 and Dispositive Motions: July 2 13 Hearing on Motion for Decertification 14 if FLSA Conditional Certification is granted: 120 days from Order granting Conditional 15 Certification 16 Discovery Cut-off, if both Rule 23 and 17 FLSA Conditional Certification are denied: 30 days from last Order denying Rule 23 and 18 FLSA Conditional Certification motions 19 20 Discovery Cut-off, if either Rule 23 or FLSA Conditional Certification is granted: 120 days from last Order 21 granting Rule 23 and/or FLSA Conditional 22 Certification motions 23 IT IS SO ORDERED. 24 25 DATED: Feb. 21, 2013 26 Hon. 27 Norther Judge Charles R. Breyer 28